REMARKS

Claims 2–3 and 9–10 were rejected under 35 U.S.C. 112 second paragraph as being indefinite. Claims 2 and 9 are currently amended to make them definite.

Claims 1, 8, 16, and 18–21 were rejected under 35 U.S.C. 103(b) as being unpatentable over McClure et al. (2004/0040011016A1). This rejection is respectfully traversed.

In the office action, page 3, paragraph 4, we read: "McClure discloses the clamed invention except for duplicating the right or left augers as claimed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have at least 2 augers on top of each other, since it has been held that mere duplication of the essential parts of a device involves only routine skill in the art."

The combining of two augers at one end of the header is not a mere duplication of the essential parts. Auger surface area is certainly doubled. However, two augers operating cooperatively in a header have the capability to handle more than twice the material a single auger handles. Multiple augers provides us with the option to drive the individual augers at different rotational speeds (*Summary of the Invention* third paragraph, *Best Mode* page 8, claim 7) between the two augers in a pair, "prevents material from building up between or wrapping around the augers since the augers scrape against each other." (Page 9.) The speed difference and the scraping action both deviate from simple duplication of essential parts which would not interact in a fashion different from a single essential part. These interactions provide unanticipated advantages over the operation of a single auger or a mere duplication of augers without the interaction.

Claims 1 and 8 have been amended to specify that the tangential speeds of the outer peripheries of the augers are unequal. Note that *speed* is a scalar (i.e. it has no direction).

Independent claims 22 and 23 have been added to claim turning the augers in the same direction, regardless of the relative rotational speeds of the augers. In this fashion, the scraping of the augers occurs even if the augers' rotational speeds are identical.

The teachings of McClure et al. do not include the addition of a second auger to scrape against a first auger. Instead, McClure et al. disclose the use of a shorter auger and support plates 11 to deflect crop material (paragraph 0046).

Regarding claims 18–21, it cannot be obvious from McClure et al. to one of ordinary skill to align parts of individual augers in a pair of augers with surfaces of the header or one another when McClure et al. do not suggest a pair of augers working in conjunction with one another.

Claims 15 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. in view of Engle et al (5,848,523). This rejection is respectfully traversed.

Applicants note that many components of the baler are not shown in Fig. 1 of Engle et al. The fact that gauge wheels are not shown is not a disclosure specifically to carry a header without the use of gauge wheels. Engle et al. do not disclose the non-use of gauge wheels on their apparatus.

Claims 7 and 14 were rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. in view of Grahl et al. (6,601,375). This rejection is respectfully traversed.

The Office Action states (page 5 paragraph 6), "In Grahl: as shown in fig 2, pair of augers on at least one of a right & left sides of the pickup header (4 augers are shown, two on each side), which are driven at different rotational speeds (the upper & lower are driven at different speeds; see fig 5, the sprockets are of different size, and their *[sic]* driven in different rotational direction, for these 2 reasons the speeds are different)."

Applicants note that no auger drive sprockets are shown in either Fig. 2 or Fig. 5 of the Grahl et al. patent. Fig. 2 shows no sprockets of any kind. In Fig. 5, element 42a is an upper stub auger (col. 4 line 1), element 36 is a lower roller member (col. 3 line 53). No information about rotational speeds may be gleaned from the diameters of the upper stub auger and lower roller member. Further, claims 7 and 14 recite rotational speeds, not angular velocities. Speed is a scalar and, thus, has no direction. Two speeds cannot be different based on directions only.

Claims 2–6, and 9–13 were rejected under 35 U.S.C. 103(a) as being unpatentable over McClure et al. in view of Bohman et al. (4,929,904). This rejection is respectfully traversed.

Claims 2, 4, 6, and 9 recite the only axis about which the teeth are rotated is the pickup header axis. Bohman et al. disclose teeth that pivot about an axis near the roots of the teeth as well as about the pickup header axis. The apparatus of the instant invention is simpler than that of Bohman et al., the result being a less costly apparatus.

Claims 3, 5, and 10–13 depend on the above claims. Because the independent claims are clearly allowable, these dependent claims are also assumed allowable.

Accordingly, because all remaining claims 1–23 are believed to be clearly allowable, a notice to that effect is earnestly solicited.

Respectfully submitted,

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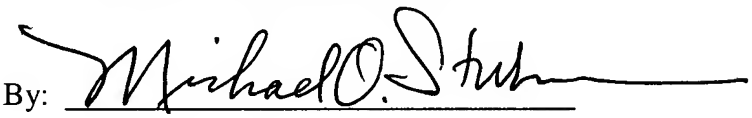
By: 

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